

RECEIVED
CENTRAL FAX CENTER

SEP 15 2003

OFFICIAL

PTO/SB/30 (06-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number

09/921,851

Filing Date

August 3, 2001

First Named Inventor

Gary K. Michelson, M.D.

Group Art Unit

3738

Examiner Name

B. Snow

Attorney Docket Number

101.0084-02000

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

10/15/2003 SBR/EE 800000146 201066 02271401 Previously submitted
 i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
 01 FDE1801 750.00 ii. Any unentered amendment(s) referred to above will be entered.
 iii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 b. Enclosed
 i. Amendment/Reply with Transmittal in duplicate
 ii. Affidavit(s)/Declaration(s)
 iii. Information Disclosure Statement (IDS) with Form PTO-1449
 iv. Other _____

2. Miscellaneous

a. Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1066
 i. RCE fee required under 37 C.F.R. § 1.17(e)
 ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 iii. Other _____
 b. Check in the amount of \$ _____ enclosed
 c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Amedeo F. Ferraro	Registration No. (Attorney/Agent)	37,129
Signature		Date	9-12-03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name		Date	
Signature		Date	

FORM PTO-1083

PATENT
 Attorney Docket No.: 101.0084-02000
 Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
 Gary K. Michelson, M.D.) Group Art Unit: 3738
 Serial No.: 09/921,851)
 Filed: August 3, 2001) Examiner: B. Snow
 For: SPINAL IMPLANT SURFACE) Confirmation No. 8299
 CONFIGURATION)

Mail Stop: RCE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated March 12, 2003 in the above-identified application.
 Applicant hereby requests a three (3) months extension of time to respond to the above office action.

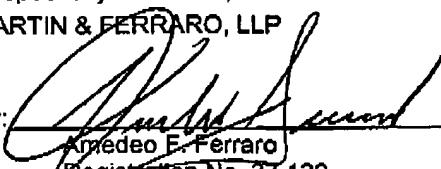
The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Col. 3) PRESENT EXTRA*	LG \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	54	-	22	=	32	LG=\$18	\$ 18
INDEPENDENT CLAIMS FEE	4	-	3	=	1	LG=\$84	\$ 84
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$280	\$
Three Months Extension Fee (LG. Entity)							\$ 930
						TOTAL	\$ 1,422

The amount of \$1,422.00 to cover the above fee is to be charged to Deposit Account No. 50-1066.
 The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.
 Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
 Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
 MARTIN & FERRARO, LLP

By:


 Amedeo E. Ferraro
 Registration No. 37,129
 Attorney for Applicant

Date: 9-12-03
 1557 Lake O'Pines Street, NE
 Hartville, Ohio 44632
 Telephone: 330-877-0700
 Facsimile: 330-877-2030

MARTIN & FERRARO, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632

Telephone
(330) 877-0700

Facsimile
(330) 877-2030

FACSIMILE TRANSMITTAL

TO:

Name: Examiner B. Snow
Firm: U.S. Patent & Trademark Office
Fax No.: 703-872-9302
Subject: U.S. Patent Application No. 09/921,851
Filed: August 3, 2001
For: Spinal Implant Surface Configuration
Attorney Docket No. 101.0084-02000
Confirmation No. 8299
Customer No. 22882

FROM:

Name: Amedeo F. Ferraro, Esq.
Phone No.: 330-877-2030
No. of Pages (including this): 25
Date: September 12, 2003
Confirmation Copy to Follow: No

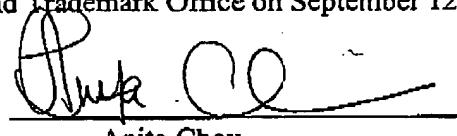
Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached:

1. Request for Continued Examination in duplicate (RCE) (\$750 RCE fee charged to Deposit Account No. 50-1066)
2. Amendment with Transmittal in duplicate (\$1422 additional claims fee and three months extension fee charged to Deposit Account No. 50-1066)

are being facsimile transmitted to the U.S. Patent and Trademark Office on September 12, 2003.



Anita Chou

If there is a problem with this transmission please call Anita Chou at 310-286-9800 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.